

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

OKSANA KHAMNAYEV,

Plaintiff,

v.

SCHNITZER STEEL INDUSTRIES, INC.,

Defendant.

Case No. 3:22-cv-00391-AR

ORDER ADOPTING F&R

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Attorney for Plaintiff.

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IMMERGUT, District Judge.

On June 16, 2023, Magistrate Judge Jeff Armistead issued his Findings and Recommendation (“F&R”), ECF 17, recommending that Defendant’s Motion to Dismiss, ECF 7, be denied. Defendant filed objections on July 7, 2023, ECF 22, and Plaintiff filed a response on July 28, 2023, ECF 26. This Court has reviewed de novo the portions of the F&R to which Defendant objected. This Court accepts Judge Armistead’s conclusions and ADOPTS Judge Armistead’s F&R in full.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, sua sponte” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

This Court has carefully reviewed de novo the portions of Judge Armistead’s F&R to which Defendant objected. Judge Armistead’s F&R, ECF 17, is adopted in full. Defendant’s Motion to Dismiss, ECF 7, is DENIED.

IT IS SO ORDERED.

DATED this 2nd day of August, 2023.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge